

**BOARD POLICY**

**Category: Board & General  
Administrative Matters**

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**Animals on District Property**

**ADOPTED BY ORDINANCE NO. 13 - NOVEMBER, 2000**

**ATTACHED**

## ORDINANCE NO. 13

### AN ORDINANCE GOVERNING ANIMALS ON DISTRICT PROPERTY

WHEREAS, the facilities of the Alameda-Contra Costa Transit District (District) exist for the purpose of conducting District business; and

WHEREAS, bringing non-service animals to District facilities or allowing them to roam unrestrained at said facilities, unless specifically authorized by federal or state law, is not conducive to the conduct of District business; and

WHEREAS, individuals with allergies can be affected by animal fur and, like the District's restrictions on the use of colognes and perfumes, it is appropriate to limit the potential contact by these individuals with animals; and

NOW, THEREFORE, be it enacted by the Board of Directors of the Alameda-Contra Costa Transit District as follows:

#### **Section 1.** Definitions

The terms used in this ordinance shall have the following meaning:

- A. Animal - any cat(s), dog(s) or reptile(s).
- B. District - the Alameda-Contra Costa Transit District, organized in accordance with the provisions of Division 10, Part 1 of the California Public Utilities Code (§24501, et seq).
- C. District Facilities - any property owned or leased by the District, including but not limited to, District vehicles (revenue and non-revenue), buildings, parking lots, storage areas, meeting rooms, garages, bus and maintenance yards and similar areas owned and operated by the District.
- D. Service Animal - any animal that is individually trained to provide assistance to an individual with a disability, in accordance with the Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted pursuant thereto and California Civil Code section 54.1, including but not limited to, guide dogs for the visually impaired; signal dogs for the hearing impaired; alert/response animals for individuals with seizure disorders; and assistance animals for persons with physical disabilities. Animals which are merely pets or household companions, and do not perform specific assistive functions are not considered service animals.

#### **Section 2.** Prohibition

It shall be unlawful for an individual or individuals to bring an animal onto District Facilities, except as provided in Section 3.

**Section 3.** Exceptions


- A. **Service Animals.** For revenue vehicles, the prohibition in Section 2 shall not be applicable to any service animal used by an individual with a disability in accordance with the Americans with Disabilities Act of 1990 and its implementing rules and regulations, provided the requirements of any applicable AC Transit Operations Center Bulletin regarding service animals are met.
- B. **Pets.** A passenger on a revenue vehicle may transport a non-service animal provided it is carried in a container under AC Transit's rules concerning pets on revenue vehicles.
- C. For all other District Facilities, the prohibition in Section 2 shall not be applicable to any service animal used by an individual with a disability in accordance with the Americans with Disabilities Act of 1990 provided the service animal is leashed or on a lead at all times and physically under the control of the individual who is relying upon the animal. However, the individual and service animal must leave the meeting if the service animal misbehaves, including but not limited to, soiling or otherwise damaging District property; jumping on other individuals; growling at or harassing other individuals or other service animals.
- D. An animal may be kept in a private vehicle parked at a District Facility provided it remains in the vehicle at all times while on the District's property and it does not present a danger to others.

**Section 4.** The individual with the animal is responsible for any damage or injuries caused by the animal while on or at District facilities.

**Section 5.** The use of the singular tense in this ordinance also includes the plural tense.

**Section 6.** Any violation of this ordinance shall be deemed a public nuisance and may be enforced by *injunctive relief* and any other civil remedy available to the District.

**Section 7.** In the event any provision of this ordinance is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions of the ordinance.


  
H. E. Christian Peeples, President

ATTEST:

  
Beatrice L. Miraglia, Interim District Secretary

I, Beatrice L. Miraglia, Interim District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Board of Directors held on October 19, 2000 and adopted at a Regular Meeting of the Board of Directors held on the 2nd day of November 2000, by the following roll call vote:

AYES:	DIRECTORS:	Piras, Hawley, Williams, Vice-President Killian and President Peeples
NOES:	DIRECTORS:	Cross
ABSENT:	DIRECTORS:	Creason
ABSTAIN:	DIRECTORS:	None

  
Beatrice L. Miraglia, Interim District Secretary

Approved as to Form:

  
Kenneth C. Scheidig, General Counsel

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JAN 12 1999

RESEARCH &  
PLANNING

## AC TRANSIT OPERATIONS CENTER BULLETIN

A.C.T. NO. 02-99

JANUARY 7, 1999

SUBJECT: POLICY ON SERVICE ANIMALS

THIS BULLETIN SUPERSEDES ALL PREVIOUS BULLETINS ON THIS SUBJECT!!  
(including 58-97, 29-97, and 105-95)

TO ALL CONCERNED:

1. A service animal is any animal that is individually trained to provide assistance to an individual with a disability. Access to public facilities and services by service animals is required by the Americans with Disabilities Act (ADA). Service animals include:
  - *Guide dogs* for the visually impaired
  - *Signal dogs* for the hearing impaired
  - *Alert/response animals* for individuals with seizure disorders
  - *Assistance animals* for persons with physical disabilities.

Animals other than dogs can also serve as service animals, such as monkeys which are trained to pick up items, or birds which are trained to detect seizures.
2. Individuals with disabilities are permitted to ride with service animals of all types. The service provided by the animal does not have to be related to the passenger's travel by transit, and may or may not be associated with the transit trip. Service animals in training are also permitted to ride, including those accompanied by a bona fide trainer who does not have a disability.
3. If it is not apparent, a driver may ask the passenger if the animal is a service animal related to the passenger's disability. If, after following these guidelines, a driver is still uncertain about whether to allow a particular animal to board as a service animal, CONTACT CENTRAL DISPATCH for further guidance.
4. In some cases, a passenger may need to travel with more than one service animal. An example would be when an experienced service animal is being used to train a younger service animal. In cases involving more than one animal, the driver may ask the passenger to confirm that each animal is performing an assistive or training function before allowing the animals to board.
5. While some service animals have special collars/harnesses or are licensed/certified with a special tag or other form of identification, this is NOT required. A driver MAY NOT require a passenger to certify or prove that a particular animal is in fact a service animal. Although permissible, a passenger is NOT required to have a photograph of the animal on his/her discount fare I.D.

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6. The control and supervision of a service animal is the responsibility of the owner/passenger. Since these animals are working, Operators and other passengers should not touch, pet, or talk to a service animal unless instructed to by its owner.
7. When a passenger using a wheelchair boards, the general procedure is for the service animal to board first using the steps and wait while the lift is being deployed. When disembarking, the animal should wait on the bus until after the passenger exits and the lift is stowed.
8. Service animals will not be allowed to ride the passenger lift at the same time as a wheelchair user, due to safety concerns. This is to prevent their tails, paws, or equipment from being caught in the lift mechanism. Exceptions to this rule are:
  - Standee lift users traveling with a service animal, who can safely contain the animal at their feet while riding the lift.
  - Animals which are physically unable to use the steps, which must be permitted to use the lift either riding in the lap or arms of the passenger, or separately on the lift by themselves.
9. Passengers should be encouraged to keep their animals as far out of the aisleway as possible. The driver should also ask non-disabled passengers sitting in the wheelchair location or front forward-facing seats to allow the service animal and its owner to use those seats, since this is often the only space available away from aisleways.
10. Service animals must be leashed, on a lead, or otherwise under the control of the owner at all times. If a service animal misbehaves, the passenger may be asked to remove the animal from the vehicle. Some examples of misbehavior include:
  - Soiling or otherwise damaging the vehicle
  - Jumping on other passengers or the driver
  - Growling at or harassing other passengers, the driver, or other service animals.

The passenger accompanied by a service animal is responsible for any damage or injuries caused by the animal while on the bus. Most service animals are well socialized and trained not to relieve themselves in public facilities. If an animal appears to be poorly cared for or poses a health concern, the driver may request their Superintendent to contact the local animal control board. This will require obtaining identification from the passenger, with the assistance of a Supervisor if necessary.
11. Animals which are merely pets or household companions, and do not perform specific assistive functions are not considered to be service animals and must be carried in a container under AC Transit's rules concerning pets. In this case, the pet must be in a completely enclosed and secured cage or carrying case which is small enough to fit on the owner's lap, and the animal must not endanger or annoy other passengers.

If you have any questions regarding this bulletin please contact your Superintendent.

C.L. WASHINGTON  
CO-LEAD  
OPERATIONS CENTER